

BOARD OF BEHAVIORAL SCIENCES
Regulation Changes Effective May 24, 2011

LICENSED PROFESSIONAL CLINICAL COUNSELORS AND LEP CE

Modifications to Title 16, California Code of Regulations Sections: Amend Sections 1800, 1802, 1803, 1804, 1805, 1805.1, 1806, 1807, 1807.2, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1816.1, 1816.2, 1816.3, 1816.4, 1816.5, 1816.6, 1816.7, 1819.1, 1832, 1833.1, 1833.2, 1850.6, 1850.7, 1870, 1870.1, 1874, 1877, 1880, 1881, 1886, 1886.10, 1886.20, 1886.30, 1886.40, 1886.50, 1886.60, 1886.70, 1886.80, 1887, 1887.1, 1887.2, 1887.3, 1887.4, 1887.5, 1887.6, 1887.7, 1887.8, 1887.9, 1887.10, 1887.11, 1887.12, 1887.13, 1887.14, and 1888 of Division 18 of Title 16 of the California Code of Regulations. Add Sections 1810.1, 1810.2, 1816.8 1820, 1820.5, 1821, and 1822 to Division 18 of Title 16 of the California Code of Regulations.

The Board's regulation package to implement the professional clinical counselor licensing program, and to establish continuing education requirements for licensed educational psychologists, was approved by the Office of Administrative Law and filed with the Secretary of State on May 24, 2011. The regulations became effective immediately upon filing.

The changes made by the regulation package fall into four general categories:

1. Changes affecting licensed professional clinical counselors
2. Changes affecting licensed educational psychologists
3. Changes affecting continuing education for all Board licensees
4. Changes to the Board's forms

1. **Licensed Professional Clinical Counselors** – The regulation package establishes the following for the LPCC program:
 - a. **Abandonment of application** – adds failure to take required LPCC examinations within a specified timeframe to the criteria for abandonment of and LPCC application (Title 16 CCR §1806)
 - b. **Required coursework** – requires LPCCs to take coursework in human sexuality, child abuse assessment training, and alcohol and other chemical substance dependency training (Title 16 CCR §§1807, 1807.2, 1810)
 - c. **Acceptable education providers** – specifies acceptable education providers from which and LPCC can take California law and ethics training and crisis or trauma counseling training. (Title 16 CCR §§1810.1, 1810.2)
 - d. **Continuing education (CE) requirements** – includes LPCCs in continuing education requirements for licensure renewal, requires certain CE coursework (for example, law & ethics), outlines exemptions from CE requirements, and specifies acceptable course content. (Title 16 CCR §§1887.1-1887.4)
 - e. **Continuing education providers** - sets requirements for providers of LPCC CE (Title 16 CCR §1887.6)
 - f. **Advertising** - includes LPCCs and LPC interns in current advertising criteria. (Title 16 CCR §1811)
 - g. **Fees** – sets LPCC renewal fees, initial license and registration fees, examination fees, examination application fees, inactive license fees, delinquent fees, and application fees for grandparenting. (Title 16 CCR §§1816, 1816.1, 1816.2, 1816.4, 1816.6, 1816.7, 1816.8)
 - h. **Supervised experience** – sets criteria for supervised experience of an LPCC. (Title 16 CCR §1820)
 - i. **Working with couples, families, or children** – sets criteria under which LPCC interns and trainees may be allowed to work with couples, families, or children.
 - j. **LPCC supervision of an MFT intern** – Under current law (Business and Professions Code Section 4980.03) LPCCs are not currently permitted to supervise MFT interns.

The Board is currently running a bill, SB 363, which would allow such supervision if the LPCC met additional training and coursework requirement related to the treatment of couples and families. However, at this time, no LPCC supervision of MFT interns is permitted.

This regulation package does make amendments to the marriage and family therapy regulations section that discusses requirements for supervisors. The regulations now state that a supervisor of an MFT trainee or intern may possess a valid California LPCC license, in addition to the other licenses allowed. However, as this allowance is not in statute, LPCCs may not supervise MFT interns at this time. (Title 16 CCR §1833.1)

- k. **Citations and fines** – allows the executive officer to issue citations and fines to LPCCs and LPC interns.
 - l. **Disciplinary guidelines** – updates the disciplinary guidelines to include references to LPCC code and to include LPCCs as necessary.
2. **Licensed Educational Psychologists** – The regulation package establishes the following continuing education requirements for the LEP program:
- a. LEP licensees renewing between January 1, 2012 and December 31, 2012 must show proof of completion of 18 hours of continuing education. (Title 16 CCR §1887.1)
 - b. LEP licensees renewing January 1, 2013 and thereafter must show completion of 36 hours of continuing education. (Title 16 CCR §1887.1)
 - c. Requires an LEP to complete the following specific coursework as part of their continuing education in the first renewal period after January 1, 2012:
 - i. Child abuse assessment - at least 7 hours (one time only) (Title 16 CCR §1807.2)
 - ii. Law and ethics – at least 6 hours (every renewal period) (Title 16 CCR §1887.3)
 - iii. Alcoholism and other chemical substance dependency – at least 15 hours (one time only) (Title 16 CCR §1810)
 - d. Sets LEP criteria for continuing education exceptions and specifies allowable course content. (Title 16 CCR §§1887.2, 1887.4)
 - e. Sets requirements and approval procedures for providers of continuing education to LEPs. (Title 16 CCR §§1887.6, 1887.7)
3. **General Changes to Continuing Education Requirements** – The regulation package also establishes the following changes to continuing education requirements which affect all licensees:
- a. Requires a licensee seeking an exception or reasonable accommodation for the CE requirement must submit the request at least 60 days prior to the expiration date of their license. The request must be on the form entitled “Request for Continuing Education Exception – License Application.” (Title 16 CCR §1887.2)
 - b. Requires the Board to notify a licensee within 30 working days after receipt of request whether the exception or reasonable accommodation was granted. (Title 16 CCR §1887.2)
 - c. Specifies that if granted, the exception or reasonable accommodation is valid for one renewal period. (Title 16 CCR §1887.2)
 - d. Allows the board to grant a reasonable accommodation if, for at least one year during a licensee's previous renewal period, the licensee or an immediate family member, including a domestic partner, where the licensee is the primary caregiver, had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code. This must be verified by a licensed physician or psychologist with expertise in the area of the physical or mental disability or medical

condition. The licensee must submit this verification on a new form entitled “Request for Continuing Education Exception – Verification of Disability or Medical Condition” (Form No. 1800 37A-636 (New 03-10). (Title 16 CCR §1887.2)

- e. Specifies acceptable providers for California Law and Ethics Training. (Title 16 CCR §1810.1)

4. Changes to Board Forms: The following forms have been updated or created:

- a. **Supervisory Plan** – updated to include LPCC interns
- b. **Responsibility Statement for Supervisors of an Associate Clinical Social Worker** – updated to include LPCCs
- c. **Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Intern** – updated to include LPCCs.
- d. **Continuing Education Provider Application** – various content changes, including asking for explanation of how each course relates to the scope of practice for the various licenses.
- e. **Request for Continuing Education Exception – Licensee Application** – various content changes, including
 - Box to certify physical/mental disability or care of an immediate family member, where licensee was primary caregiver, with a physical/mental disability;
 - Inclusion of domestic partner as an immediate family member;
 - Box to request completion of CE hours via self-study.
- f. **Request for Continuing Education Exemption – Verification of Disability or Medical Condition** – this is a new form
- g. **Responsibility Statement for Supervisors of a Professional Clinical Counselor Intern** – this is a new form
- h. **Weekly Summary of Experience Hours for Professional Clinical Counselor Interns** – this is a new form